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VIA E-MAIL AND CERTIFIED MAIL

Carmen Guerrero, Director
United States Environmental Protection Agency
Caribbean Environmental Protection Division
City View Plaza, Suite 7000
#48 165 Road K.M. 1.2
Guaynabo, Puerto Rico 00968-8069

Re: Bristol-Myers Squibb's Response to EPA's September 15, 2016 "General Comment 3"

Dear Ms. Guerrero,

We write on behalf of Bristol-Myers Squibb ("BMS")[1] in response to General Comment 3 of the U.S. Environmental Protection Agency's ("EPA") September 15, 2016 letter setting forth comments on BMS' February 2016 Release and Assessment Report ("RAR") relating to the Humacao, Puerto Rico facility. In Comment 3, EPA has asked that BMS explain the events leading to the identification of the 43 constituents of potential concern ("COPCs") in the RAR in 2016, and specifically why BMS did not identify such 43 COPCs prior to 2016. EPA's General Comment 3 states: "The RAR only vaguely describes the issue that prompted the preliminary reevaluation of historic sampling results, the process utilized for the review, and recommendations to avoid these issues in the future. Expand the RAR to include more detail such that the original failings are clearly described, a robust root cause analysis is provided, and recommendations to avoid similar issues in the future."

BMS engaged Morgan Lewis to conduct an assessment in response to General Comment 3. Following the extensive review described herein, Morgan Lewis has concluded that BMS

[1] All references to BMS refer to Bristol-Myers Squibb or its predecessors.

failed to identify the 43 COPCs prior to 2016 primarily because the Humacao site team[2] was narrowly focused only on the constituents of concern ("COCs") affiliated with two Solid Waste Management Units ("SWMUs") specified decades earlier. Specifically, the Humacao site team was narrowly focused on COCs identified in the late 1980s and 1990s, and located near the Former Tank Farm ("FTF") and Building 5 Area SWMUs.

BMS' narrow focus on those COCs associated with the FTF and Building 5 originated with the closure by early 2000 of all but three SWMUs that existed on the site. The closures were the result of an iterative and collaborative process involving BMS, EPA and the Puerto Rico Environmental Quality Board ("EQB") which involved testing and reporting by BMS and evaluations and site inspections by EPA and EQB. As of 2000, the three remaining SWMUs were the FTF, Building 5, and the Brule Incinerator. Following EPA's March 2002 conclusion that the interim corrective measure work plan for the Brule Incinerator SWMU had been successfully implemented, the site team spent the next 13 years – until it received EPA's 2015 comments to the 2011 Corrective Measures Study ("CMS") Report – focused on the FTF and Building 5, and the COCs associated with those SWMUs. That narrow focus led to: 1) a lack of appreciation for the significance of 2010 detections of chemicals (ethylbenzene and toluene) at the FTF that were not within the previously-defined set of COCs for that SWMU; and 2) the failure of the team to thoroughly evaluate the full scope of third-party laboratory data beyond the reporting for COCs affiliated with the FTF and Building 5 SWMUs. Although impossible to confirm, it is likely that the failure to recognize earlier that the team's focus was too narrow was likely exacerbated by the deaths of two site team members who had the deepest historical knowledge of the site.

In or around early 2015, BMS' Corporate Environmental, Health, Safety and Sustainability ("EHSS") group took a leading role in overseeing the Humacao site. Prior to that time, BMS had primarily relied upon outside experts to oversee the site work and advise the Company. In early 2015, EPA issued comments to BMS' 2011 CMS report, which included questions about BMS' detection of two chemicals at the FTF that were not within the defined set of COCs for that SWMU. Also at that time, the site team was in the process of conducting vapor intrusion testing using the TO-15 analysis that evaluated measurements for 97 volatile organic compounds ("VOCs"). Upon review of EPA's comments and the TO-15 analyses, it became evident to EHSS that there were exceedances of constituents other than those associated with the FTF and Building 5. This prompted EHSS to conduct a review of the historical site data in late 2015, and led to the realization that the Humacao site team had been too narrowly focused on only the COCs affiliated with the FTF and Building 5. As such, EHSS directed that testing be done of a broader set of chemicals and of a larger area of the site, and BMS promptly reported its findings to EPA.

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[2] For purposes of our discussion herein, all references to the "Humacao site team" include BMS (with the exception of Mr. Doug Morrison), Anderson Mulholland & Associates, Inc. ("AMAI") personnel, and Braulio Garcia (Torres & Garcia attorney).

1. Background

BMS' Humacao facility is a Resource Conservation and Recovery Act ("RCRA") site that has been under evaluation since 1984. As part of the RCRA oversight, BMS made many submissions to EPA concerning its ongoing testing, evaluation, and remediation of the site. Those submissions included, among other things, proposed work plans, proposed remedial activities, and testing results. EPA often provided comments on the proposed plans and remedial activities, to which BMS responded and, where called for, modified its activities.

In February 2015, EPA issued comments to BMS' CMS report submitted in July 2011. Generally, EPA's 2015 comments: 1) reexamined issues relating to the Brule Incinerator SWMU which, based upon past communications with the Agency, BMS believed had previously been addressed to EPA's satisfaction; 2) called for greater delineation, testing and examination of the three existing SWMUs (the Brule Incinerator, the FTF, and Building 5 area), specifically noting the detections of ethylbenzene and toluene at the FTF area, which were not FTF-specific COCs; and 3) directed BMS to reevaluate prior work under more updated standards.

In or around the time that EPA issued its 2015 comments, BMS' Corporate EHSS took an active role in the Humacao site, and evaluated the results of vapor intrusion and indoor air testing that had been underway since as early as 2014. Those results indicated exceedances of contaminants that were not previously a focus (that is, the COCs affiliated with the FTF and Building 5), and as a result, Corporate EHSS conducted a review of historical site submissions and data. The review led to testing for a broader spectrum of contaminants, and ultimately, to the identification of 43 new COPCs.

2. Morgan Lewis' Assessment Steps

Morgan Lewis' assessment involved three work streams: 1) review of e-mail data; 2) review of historical submissions by BMS to EPA, and communications between the parties; and 3) interviews of BMS personnel and third-party consultants who work on the Humacao site. These steps were designed to determine why BMS did not earlier identify the 43 COPCs disclosed in its February 2016 RAR.

(a) E-mail Review

Morgan Lewis applied English and Spanish-language search terms to the e-mail data for the following custodians: 1) Francisco Burgos, BMS Environmental Affairs Manager; 2) Alvin Crespo, BMS Director of Environmental, Health and Safety; 3) Julio Ortiz, BMS Environmental Affairs Manager and former member of site team; and 4) Luis Rivera, BMS Environmental Programs Manager. Some e-mail data from these four custodians dated back as far as April 2001.

The search terms were designed to target documents and communications relevant to EPA's inquiry, including issues such as the presence of 1,4-dioxane on the site. The terms included, among other terms, the names of all COPCs identified in BMS' February 2016 RAR. Approximately 25,000 documents resulting from the search were reviewed.

(b) Historical EPA Submissions and Communications

Morgan Lewis collected and reviewed over 46 submissions to EPA in the form of RCRA Reports, interim and final Corrective Measure Study Reports, Closure Reports, Field Investigation Work Plans, Implementation Reports and Monitoring Plans. We also reviewed EPA communications to BMS in response to the submissions.

(c) Interviews

Morgan Lewis conducted in-person interviews of the following individuals: 1) Francisco Burgos (BMS Environmental Safety Affairs Manager); 2) Alvin Crespo (BMS Director of Environmental, Health and Safety); 3) Edwin Rosario (BMS Environmental, Health and Safety Manager); 4) Astrid Hernandez (BMS Health & Safety Manager); 5) Douglas Morrison (BMS Director, Corporate EHSS); 6) Braulio Garcia (Torres & Garcia attorney); 7) Charlie Anderson (Anderson Mulholland & Associates, Inc. ("AMAI") principal); and 8) Terry Taylor (AMAI employee).

We were unable to interview Julio Ortiz Torres, BMS' Environmental Affairs Manager, who passed away in 2011. Nor were we able to interview Herb Mulholland, the AMAI principal who was the lead outside consultant to BMS on the Humacao site from in or about 1999 until his death in late 2009. Notably, Mulholland and Ortiz played active and significant roles in the historical site work, and thus, our assessment was necessarily limited by our inability to speak with them.

3. Findings

(a) The Site Team

Throughout the entirety of the Humacao project, BMS relied upon external subject matter experts to: conduct sampling; analyze and interpret sampling results; prepare and maintain a repository of submissions to EPA and the Puerto Rico EQB; communicate with EPA and EQB; and advise BMS on testing, remediation, and monitoring strategies. Those consultants have included: ENSR; Versar, Inc. ("Versar"); Vicenty, Heres & Lauria ("Vicenty"); and AMAI.

Since as early as 1999 through 2016, AMAI was BMS' lead consultant. Until his death in November 2009, Herb Mulholland was the project lead for AMAI. Mulholland's partner, Charles Anderson, had only limited involvement in the Humacao site prior to late 2009, but assumed responsibility for the RCRA work at the Humacao site after Mulholland's death. Both Mulholland and Anderson had previously worked at EPA Region 2, and brought to the BMS team their experience as both EPA employees and private environmental consultants.

The site team also included outside legal counsel. In 1990, Braulio Garcia began advising BMS on its RCRA Part B permit. Since that time, Garcia has advised on applicable regulations and modifications to BMS' RCRA permit, and participated in regular meetings with BMS personnel, outside consultants, and EPA and EQB. Prior to joining private practice, Garcia spent six years working for EQB as a RCRA attorney.

The BMS team itself changed over time, but until 2015, its leads were consistently Humacao-based individuals with environmental health and safety backgrounds. Until his death in 2011, Environmental Affairs Manager Julio Ortiz was the BMS person with responsibility for the RCRA site. Ortiz worked directly with AMAI, participating in regular meetings with them, and reviewing and commenting on draft submissions. After his retirement in or around 2004, he continued to work with the Humacao site team in a consultant capacity. After Ortiz' death in 2009, EHS Manager Alvin Crespo assumed primary responsibility for the site, and was supported by Francisco Burgos. A number of other BMS personnel have contributed to the team in various capacities by, for example, enabling access to consultants to the site for sampling, or the installation of borings or wells.

In early 2015, Doug Morrison, Director of BMS' Corporate EHSS, became actively engaged the Humacao site. As further described herein, Morrison took on greater responsibilities for reviewing data and submissions, making decisions about testing, monitoring and remediation strategies than his Humacao-based BMS colleagues had previously done.

(b) Site History: Focus on A Limited Number of SWMUs

Our assessment found that, although the history of the site evaluation spans over 30 years, and as many as 25 SWMUs existed on the site, the majority of the past 17 years have focused largely on two SWMUs and the COCs that the Humacao site team and EPA identified for those SWMUs early in the regulatory process. As noted above, the Humacao site team was focused on those COCs identified in the late 1980's and 1990's, and located near the FTF and Building 5 Area. In or around late 2015, the Humacao site team revisited the COCs and identified the 43 COPCs set forth in BMS' February 2016 RAR.

BMS submitted its original RCRA Part B permit application in 1984. In April 1987, BMS retained Versar to perform a RCRA Facility Assessment ("RFA") of the Humacao site. The RFA described each of the then 19 SWMUs, their respective waste characteristics, and release information. The RFA concluded that 18 SWMUs required no further action, and that the only SWMU requiring further investigation was the FTF. In 1993, Mr. Crespo, then a safety engineer, noticed bubbling in a rain puddle near Building 5, prompting him to take a sample with an explosimeter. Crespo consulted with Ortiz concerning his findings, and the issue was promptly reported to EPA.

Thereafter, a series of work plans designed to address the SWMUs, including the Building 5 or, "Bubbling Puddle" SMWU, were prepared and submitted to EPA, and BMS, through third-party consultants, performed various sampling and remediation activities. There was regular communication between the Humacao site team and EPA and EQB throughout the period between 1987 and 2000.

In early 2000, a visual site inspection of the Humacao site was performed by BMS personnel and EQB. Following the inspection, in March 2000, the EQB issued an Updated RFA that identified three SWMUs as a potential source of release of hazardous constituents: 1) the Former Tank Farm; 2) the Brule Incinerator Area (also known as the "Brule Incinerator"); and 3) the Bubbling Puddle Area (or "Building 5"). The EQB recommended no further action for the remaining 22 SWMUs.

With respect to Building 5 and the FTF, the EQB noted that BMS had already submitted CMS reports to the agencies pursuant to which BMS was addressing the contamination identified. With respect to the Brule Incinerator, the EQB recommended that a RCRA Facilities Investigation ("RFI") be performed of the oil-like substance identified when the incinerator was closed in 1997. BMS subsequently implemented an Interim Corrective Measures ("ICM") workplan for the Brule Incinerator that involved continued monitoring and soil excavation. Via letter dated March 28, 2002, EPA informed BMS that: "Although there is no indication of current groundwater contamination and a significant soil contamination at the site, BMSMC has taken a more proactive approach in addressing the issue by implementing voluntarily an Interim Corrective Measure to remove the contaminated soils found in a localized area immediately east of the concrete pad of the former Brule incinerator." EPA's letter further stated that "EPA acknowledges BMSMC has successfully implemented ICM efforts as outlined in the EPA approved workplan."[3]

Thereafter, the Humacao site team's work focused on the FTF and Building 5 areas, and in particular, performing sampling and evaluating potential migration of the respective COCs for those SWMUs. Various communications between EPA and the Humacao site team reflect that the parties understood that the following COCs were at issue for these two SWMUs:

- FTF: xylenes, methylene chloride, MIBK, acetone, and chloromethane.
- Building 5: benzene, ethylbenzene, toluene, MIBK, acetone, xylene, methanol and isopropyl alcohol.

With respect to the FTF, in March 2001, the Humacao team submitted a CMS Report identifying the source of hazardous constituents as leaks from the underground storage tanks. EPA responded to the 2001 CMS Report on October 25, 2002, directing that BMS conduct quarterly groundwater testing. AMAI thereafter conducted quarterly groundwater testing and submitted the results to EPA on a quarterly basis. Testing of the samples taken from the FTF was limited to the FTF-specific COCs, identified above.

With respect to Building 5, BMS submitted a CMS Interim Report in July 2000, and on February 28, 2001, EPA provided comments on the Report, approving of the pre-remedial design activities that the Humacao site team had already begun to implement. Between August 2001 and late 2004, BMS, AMAI and EPA regularly communicated concerning the extent to which the groundwater plume at the Building 5 area was migrating. Although AMAI had concluded that there were no COCs in any of the wells which indicated an increasing concentration trend, and the COCs were not migrating further downgradient, BMS proposed in its August 2004 ICM Work Plan the installation of biopiles, and where necessary, the removal of contaminated soil from the site. Over the course of the next several years, the biopiles were

[3] Our review has not identified any EPA comments regarding the Brule Incinerator between EPA's March 28, 2002 letter acknowledging the successful implementation of BMS' 2000 ICM and TechLaw's 2012 informal comments, some of which were ultimately incorporated into EPA's February 12, 2015 comments.

installed. Quarterly sampling was also performed, testing for exceedances of the Building 5-specific COCs, and the results were submitted to EPA.

In December 2006, BMS submitted a CMS Report summarizing the results of the corrective measures studies performed for Building 5 and the FTF, and incorporating previously-submitted documents concerning the Brule Incinerator. The 2006 CMS summarized concentration levels of the FTF and Building 5 COCs in soil and groundwater, summarized BMS' risk assessments, corrective measures objectives and recommendations. The CMS attached, as did past submissions, summaries of groundwater and soil sampling results, COC concentrations, and depictions of soil boring and monitoring well locations. EPA provided comments on the 2006 CMS Report on April 26, 2007, and in response to EPA's comments, BMS submitted an amended CMS in June 2007. We have not identified any EPA written comments on the June 2007 CMS, although we understand that the Humacao site team communicated with EPA after its submission through phone calls and meetings.[4]

In November 2009, AMAI principal Herb Mulholland passed away, and his partner, Charles Anderson, assumed responsibility, on behalf of AMAI as BMS' outside consultant, for the Humacao site. Anderson recommended to BMS that, due to the passage of time since the last CMS report submission and the lack of comment from EPA, AMAI prepare an updated CMS for the purpose of providing EPA with AMAI's latest findings and site activities. BMS agreed with the recommendation, and AMAI prepared and submitted the July 2011 CMS report. That report disclosed the 2010 discovery of ethylbenzene and toluene at the FTF, which as described below, had been identified after the detection of a fuel-like odor in the area during digging for utility work.

On February 23, 2012, EPA sent BMS Techlaw's preliminary technical comments, which among other things, suggested a detailed assessment of vapor intrusion in the FTF and Building 5 area. Although the Humacao site team understood that the comments were preliminary from the perspective of EPA, based upon those comments, BMS developed a Soil Vapor Investigation Work Plan, which it submitted to EPA in December 2014.

EPA issued comments on the July 2011 CMS in February 2015. Among other observations, EPA's letter stated, with regard to the FTF: "No explanation is provided as to how the COCs [ethylbenzene and toluene] were identified, but it seems that soil across the SWMU has not been fully evaluated for all potential contaminants (including ethylbenzene and toluene)."

Around the same time, Corporate EHSS became actively involved with the Humacao site, and after noting EPA's comments concerning ethylbenzene and toluene, and evaluating the results of the vapor intrusion and indoor air testing, undertook review of the historical data and submissions. In connection with that review, Corporate EHSS and the Humacao site team discovered that the sampling results sent by third-party laboratories as early as late 2010 (on

[4] We further understand that responsibility for the Humacao site was transferred from EPA's Region 2 New York office to the Caribbean Environmental Protection Division ("CEPD") in or around 2009.

some but not all occasions) contained data for constituents other than the FTF-specific and Building 5-specific COCs, and that those results reflected exceedances of, among other things, 1,4-dioxane. When the team discovered these exceedances, they ordered laboratory testing of recently extracted samples against a broader array of constituents (as opposed to only the FTF and Building 5-specific COCs), and the results ultimately led to the submission of the February 2016 RAR.

(c) Potential Early Indications of a Broader Set of COCs

Our review focused upon whether there were any indications prior to 2015 that a broader set of COCs existed on the site than those that had been the focus since 2000, namely the COCs affiliated with the FTF and Building 5. The review was necessarily limited by the unavailability of Mr. Mulholland who, given his role as the AMAI lead, was the person with the deepest technical knowledge of the site. With that caveat, our assessment did not identify any facts indicating the site contained exceedances of contaminants beyond the COCs specific to the FTF and Building 5, with two exceptions: 1) the detection of ethylbenzene and toluene exceedances at the FTF area in 2010; and 2) the existence of lab data for contaminants other than the site-specific COCs as early as late 2010.

(i) Ethylbenzene and Toluene at the FTF

The ethylbenzene and toluene exceedances at the FTF were identified in 2010 after Mr. Crespo detected a fuel-type odor following utility work excavation near the FTF. Mr. Crespo informed the Humacao site team about the odor during a regularly scheduled meeting, and the team decided to test samples from soil borings installed near the utility trench work. AMAI recommended testing for ethylbenzene and toluene.

The Humacao site team believed that the installation of soil borings to test for the contaminants, and the reporting of the testing results to EPA, was an appropriate and proportionate measure in response to Mr. Crespo's findings. The test results were disclosed in BMS' July 2011 CMS report. We have not found any indication that anyone on the Humacao site team, including AMAI, believed that broader testing was necessary or that the identification of the ethylbenzene and toluene required reevaluation of the COCs for the FTF or the site more broadly. Rather, because the FTF COCs had not exceeded screening levels for its COCs for some time, the site team's focus had been on Building 5, which they considered to be a more significant SWMU from a contamination perspective. In short, the team did not appreciate the significance of the ethylbenzene and toluene exceedances.

(ii) Raw Lab Data

Throughout its work on the project, AMAI sent the samples it collected from the site to third-party laboratories with instructions to the labs to test for exceedances of the SWMU-specific COCs. As noted above, these instructions were limited to the COCs affiliated with the FTF and Building 5 identified in the late 1980's and 1990's, and which remained the primary focus until 2015.

According to BMS personnel, while they may have received copies of disks containing the raw lab data, they never opened them, relying upon AMAI to examine them.[5] While Mr. Anderson reviewed the written lab reports, he did so only with an eye for the FTF and Building 5-specific COCs, and did not review the raw lab data until late 2015.[6] At that time, Mr. Anderson reviewed the data far more carefully, and made calculations from the chromatograms to determine whether there were consistent exceedances of chemicals beyond the limited set of COCs that he and the site team had long been focused on. Mr. Anderson began this more robust review at Mr. Morrison's direction following indications of broader contamination in the vapor intrusion testing. In late 2015, Mr. Anderson initially focused on ethylbenzene and toluene, in light of EPA's February 2015 questions concerning their identification at the FTF.

When Mr. Anderson began his more extensive review of the lab data in late 2015, it was not immediately clear what the data meant, because the appearance of "new" COCs such as 1,4-dioxane and MTBE was only intermittent in the lab data. The Humacao site team later came to learn that the lab tested the Humacao samples against not only the specific COCs directed by the site team, but also against whatever other chemicals other clients may have designated for testing at a particular time. In other words, if another client had not ordered testing for 1,4-dioxane, the lab report would not have contained chromatograms for it.

Mr. Anderson was surprised when his analysis reflected exceedances of 1,4-dioxane and MTBE because he was not aware of any historical use of the chemicals on the site. As a result of further research regarding the historical use of chemicals on the site, Mr. Anderson now understands that 1,4-dioxane was used in Building 3. Notably, Building 3 was once covered by two SWMUs, known then as SWMU 21 and SWMU 22, that were both closed by early 2000.[7]

(iii) Reasons for Oversights

The witnesses we interviewed believed that the site had been appropriately delineated many years before their involvement. In proceeding with their work, they relied both upon EPA's and EQB's approval by 2000 of the closure of all but three of the SWMUs, and the work performed by their predecessors with respect to the remaining three. EPA's March 2002

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[5] Since as early as 2010, BMS has sent to EPA a copy of the written lab reports identifying the specific levels of contamination for the COCs affiliated with the FTF and Building 5, as well as a disk from the lab containing raw lab data in the form of chromatograms. Witnesses believe, but we have not been able to confirm, that paper copies of the raw lab data were submitted prior to 2010.

[6] We do not know if Mr. Mulholland reviewed the raw lab data, and if he did, whether he identified exceedances of contaminants other than those affiliated with the FTF and Building 5. We found no indication in our review that any site team member was aware of such exceedances, with the exception of the ethylbenzene and toluene detections in 2010, until 2015.

[7] Although 1,4-dioxane has long been a RCRA Appendix VIII VOC, it was not until November 2013 that the EPA issued a screening level for 1,4 dioxane that was significantly lower than past toxicity guidance.

conclusion that the interim corrective measure work plan for the Brule Incinerator SWMU had been successfully implemented led to a narrow focus on the FTF and Building 5 and their respective COCs. The failure to examine the site more broadly, or to at least have an appreciation for circumstances counseling toward a reassessment of the original delineation, was likely exacerbated by the deaths of Messrs. Mulholland and Ortiz. Mr. Mulholland in particular had the combination of the most extensive historic involvement with and knowledge about the site, and the requisite technical skill and experience with EPA regulation, that would have best positioned him to recognize the significance of the ethylbenzene and toluene exceedances at the FTF had he not passed shortly before the detections.

Ultimately, we found that while there were some circumstances (the detections of ethylbenzene and toluene at the FTF, and the intermittent appearance of 1,4-dioxane and MTBE in the lab data) that arose that, if addressed differently, could have led to the earlier realization that reevaluation of the site was appropriate, there is no evidence that anyone at BMS, AMAI or any other BMS consultant appreciated the significance of those circumstances at the relevant time. To the contrary, our review found a site team that was open and transparent with EPA with regard to its work plans and activities, and testing results, and focused on what they believed to be the most significant SWMU from a contamination perspective – Building 5. The history reflects prompt disclosure to EPA of issues identified, whether it be of the "bubbling puddle" that led to the categorization of the Building 5 SWMU, or of the 2010 detections of ethylbenzene and toluene at the FTF. The site team's actions taken in response to the circumstances it encountered were reasonable and done in good faith.

(d) Process Improvements

The involvement and active oversight of Corporate EHSS beginning in early 2015 played a critical role in identifying the need to reevaluate the scope of the site team's historical focus on the COCs affiliated with the FTF and Building 5. Indeed, it was EHSS' focus on EPA's 2015 comments and the results of vapor intrusion and indoor air testing that led to its decision to conduct a broad review of the historical data. It was that review that ultimately led to the identification of the 43 new COPCs reported to EPA in 2016. Corporate EHSS will continue to have an active role in the Humacao site and similar projects.

With respect to Humacao in particular, BMS has also retained new consultants, Kennedy/Jenks, to assist and advise BMS on its site testing and remediation. While AMAI remains involved, BMS has revised its role in the project to carry out activities pursuant to work plans and strategic decisions developed by Corporate EHSS and Kennedy/Jenks. Finally, Corporate EHSS is in the process of building a repository of all EPA submissions and communications and underlying data for the Humacao site so as to ensure that all of the historical information is not solely located within the possession of its consultants.

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Should you have any questions, we would welcome the opportunity to address the issues described herein at your convenience.

Regards,

Glen Stuart

Alison Tanchyk

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Amy Chester, Esq., EPA, Region 2
James R. Pooler, Esq., BMS, Assistant General Counsel